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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CMM-CM, LLC,

Case No. 2:18-cv-00332-RFB-PAL

Plaintiff,

ORDER

v.

LOUIS DeSALVIO, et al.,

Defendants.

The court conducted a scheduling conference on August 30, 2018, on the parties' First Stipulation and Order to Extend Discovery (ECF No. 23). Robert Kern appeared on behalf of plaintiff, Kristina Hillman appeared telephonically and Sean McDonald appeared in person on behalf of their defendants.

The plaintiff filed a motion to remand on March 9, 2018 which is fully briefed and pending before the district judge. The stipulation requests a 60-day extension of the discovery plan and scheduling order deadlines, largely because discovery was delayed because the parties anticipated a decision of the motion to remand.

A modest amount of discovery is needed, but has not been completed. Mr. DeSalvio's deposition was noticed for September 12, 2018, but counsel for DeSalvio asserted the notice was deficient and improperly served electronically without defendant's consent. Additionally, the notice was served after the discovery cutoff. Thus, although counsel agreed to the date and stipulated to the extension of the discovery plan and scheduling order deadlines counsel for DeSalvio argued the deposition notice and stipulation was untimely filed. The parties did agree to the date, and to the extension of the deadlines. All counsel confirmed they were all available to depose Mr. DeSlavio on September 12, 2018. The court therefore required the parties to proceed with the deposition as currently scheduled.

1 Counsel for Local 872 indicated that there were problems with the discovery plaintiff
2 produced to both defendants. He believed different versions of plaintiff's responses had been
3 served on counsel for the two defendants. Counsel for plaintiffs indicated that this was not correct.
4 He served both defense counsel with 3 disks with written discovery documents and one audio file.
5 He was told there was a problem with opening or accessing the files and therefore had them
6 recopied. He had the recopied disks in court to provide to counsel for both sides. However, as Ms.
7 Hillman appeared telephonically he was unable to provide them to her in court.

8 Counsel for DeSalvio indicated that plaintiff had responded to defendant's written
9 discovery requests but she believed the responses were deficient. To expedite resolution of any
10 disputes the court will require counsel for DeSalvio to complete the meet and confer process and
11 attempt to resolve these disputes without court intervention within 2 weeks and submit a joint
12 status report indicating whether the disputes have been resolved or whether court intervention is
13 required. The court also set a status and dispute resolution hearing to resolve any outstanding
14 discovery disputes.

15 Having heard from counsel,


16 **IT IS ORDERED** that:

- 17 1. The parties' Stipulation to Extend Discovery (ECF No. 23) is **GRANTED** and the
18 following deadlines shall apply:
- 19 a. Deadline to complete discovery: **October 29, 2018**.
- 20 b. Deadline to file dispositive motions: **November 28, 2018**. In the event the district
21 judge has not yet decided the Motion to Remand (ECF No. 9) filed March 9, 2018,
22 the deadline for filing dispositive motions shall be suspended until 30 days after
23 decision of the motion to remand. The deadline for filing the joint pretrial order
24 will likewise be suspended until 30 days after the motion to remand and any
25 dispositive motions are decided, whichever is latest.
- 26 c. Deadline to file joint pretrial order: **January 4, 2019**. In the event dispositive
27 motions are filed by November 28, 2018, the date for filing the joint pretrial order
28 shall be suspended until 30 days after a decision of the dispositive motions. The

disclosures required by Fed. R. Civ. P. 26(a)(3), and any objections thereto, shall be included in the pretrial order.

2. The parties shall have until **September 13, 2018** to complete the meet and confer process and submit a **joint** status report indicating whether they have any unresolved disputes which require court intervention. The joint status report shall detail any unresolved discovery disputes, and the parties' positions regarding them with sufficient specificity to enable the court to resolve them without further formal briefing.
3. A status and dispute resolution hearing is set for **9:00 a.m., September 20, 2018**. The hearing will be automatically vacated if the parties' joint status report indicates they have resolved their disputes.

DATED this 30th day of August, 2018.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE